

SUPREME COURT
STATE OF NEW YORK COUNTY OF ONONDAGA

J. B. f/k/a J. S.,

Plaintiff,

SUMMONS

-against-

Index No.:

THE ROMAN CATHOLIC DIOCESE OF SYRACUSE
and WILLIAM BURTON f/k/a FATHER WILLIAM BURTON,

Defendants.

Plaintiff designates Onondaga County as the place of trial.

The basis of the venue is plaintiff's residence, Syracuse, New York 13208

YOU ARE HEREBY SUMMONED to answer the verified complaint in this action and to serve a copy of your answer, or, if the verified complaint is not served with this summons, to serve a notice of appearance on plaintiff's attorney within **20** days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York) and in case of your failure to appear or answer, judgment will be taken by default for the relief demanded in the complaint.

Dated: November 25, 2019
Syracuse, New York



Thomas F. Shannon, Esq.
Lynn Law Firm, LLP
Attorneys for Plaintiff
750 M&T Bank Building
101 South Salina Street
Syracuse, NY 13202
Telephone: (315) 474-1267

Defendants' Addresses:

The Roman Catholic Diocese of Syracuse, 240 East Onondaga Street, Syracuse, NY 13202

William Burton f/k/a Father William Burton, 11 Lark Path, Liverpool, NY 13090

SUPREME COURT
STATE OF NEW YORK COUNTY OF ONONDAGA

J. B. f/k/a J. S.,

Plaintiff,

VERIFIED COMPLAINT

-against-

Index No.:

THE ROMAN CATHOLIC DIOCESE OF SYRACUSE
and WILLIAM BURTON f/k/a FATHER WILLIAM BURTON,

Defendants.

Plaintiff J. B., f/k/a J. S. by and through his/her attorney, Thomas F. Shannon, Esq. of the Lynn Law Firm, LLP, complaining of the defendants, The Roman Catholic Diocese of Syracuse and William Burton f/k/a Father William Burton, upon information and belief, alleges and respectfully shows to the Court as follows:

NATURE OF CLAIM

1. This is a case of a sexual predator, William Burton f/k/a Father William Burton ("Burton"), being permitted to sexually abuse a young child while under the auspices of The Roman Catholic Diocese of Syracuse ("Diocese").

2. Burton was a priest at Assumption Church ("Assumption") in Syracuse, New York which was part of the Roman Catholic Diocese of Syracuse.

3. Plaintiff J. B. f/k/a J. S. was a parishioner at Assumption Church, along with his/her family, during the time period he/she was sexually abused by defendant Burton.

4. Between the years of 1968 and 1971, while under the scope of employment of the Diocese, Burton forcibly sodomized and otherwise sexually abused plaintiff J. B. f/k/a J. S., then between the ages of 13 and 16. This forcible sexual abuse took place in various places in

Onondaga County, including a motor vehicle which, upon information and belief, was owned by the Diocese, as well as at plaintiff's home and other locations.

5. Plaintiff brings this lawsuit to recover for the emotional and physical suffering the plaintiff endured because of the negligence of The Roman Catholic Diocese of Syracuse and the intentional acts of Burton and to make sure no other child is forced to suffer the abuse and physical and mental trauma the plaintiff felt.

PARTIES

6. At all times hereinafter mentioned, defendant The Roman Catholic Diocese of Syracuse was a not-for-profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.

7. At all times herein mentioned, defendant The Roman Catholic Diocese of Syracuse was and is located 240 East Onondaga Street, Syracuse, New York 13202.

8. At all times herein mentioned, Burton was a priest operating under the direction and control of defendant The Roman Catholic Diocese of Syracuse, and its agents, servants and/or employees.

9. At all times herein mentioned, Burton was an agent, servant and/or employee of defendant The Roman Catholic Diocese of Syracuse.

10. At all times hereinafter mentioned, defendant Burton was placed in a position at Assumption Church where he had access to and worked with children as an integral part of his duties as a parish priest.

11. Defendant Diocese held their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents,

soliciting youth and families to their programs, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe and trustworthy.

12. Plaintiff was raised in a devout Roman Catholic family and attended Assumption Church in Syracuse, New York in the Diocese of Syracuse. Plaintiff and plaintiff's family came in contact with defendant Burton as an agent and representative of defendant Diocese.

13. Defendant Burton, in his capacity as a parish priest, frequently visited plaintiff's residence during the afore-mentioned time period, sharing meals with the family, as well as volunteering to spend one-on-one time with the minor plaintiff, both at said residence and at other locations.

14. Plaintiff, J. B. f/k/a J. S. was a resident of the County of Onondaga, State of New York when the acts of sexual abuse by defendant Burton occurred and continues to be a resident of the County of Onondaga.

15. Upon information and belief, defendant Burton currently resides in Onondaga County.

16. Plaintiff is identified herein as J. B. f/k/a J. S. to protect plaintiff's privacy due to the sexual nature of the offenses committed by defendant Burton and The Roman Catholic Diocese of Syracuse while plaintiff J. B. f/k/a J. S. was under the age of 17.

17. Upon information and belief, and at all times relevant hereinafter mentioned, defendant Burton was at all times over the age of 18.

18. Upon information and belief, defendant Burton committed conduct that constituted sexual offenses as defined in Article 130 of the New York Penal Law against plaintiff J. B. f/k/a J. S. while plaintiff J. B. f/k/a J. S. was under 17 years of age.

19. Upon information and belief, all sexual offenses were committed in or about Onondaga County, State of New York.

20. As a result of defendant Burton's conduct, as well as that of The Roman Catholic Diocese of Syracuse, plaintiff J. B. f/k/a J. S. suffered physical, psychological and other injuries.

21. The Court has jurisdiction over this action. Venue is proper in the County of Onondaga, State of New York based on the residence of the plaintiff, both currently and at the time of the sexual offenses. This action is timely commenced pursuant to the New York State Child Victim's Act.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANT THE ROMAN CATHOLIC DIOCESE OF SYRACUSE:**

22. Plaintiff repeats, reiterates, and realleges each and every allegation contained in those paragraphs of the complaint marked and designated "1" through "21" inclusive, with the same force and effect as if hereinafter set forth at length.

23. At all times mentioned herein, defendant The Roman Catholic Diocese of Syracuse owed a duty of care to keep children of its parishes, including plaintiff, safe from sexual abuse by its clergymen under its supervision and control.

24. At all times hereinafter mentioned, defendant The Roman Catholic Diocese of Syracuse and/or its agents, servants and/or employees breached the above stated duty in a negligent, reckless, willful and wanton manner and culminating in the minor plaintiff being repeatedly sexually assaulted.

25. Defendant Diocese failed to monitor defendant Burton's activities, permitting him to be alone with the minor plaintiff.

26. As a result of the negligence of defendant The Roman Catholic Diocese of Syracuse and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses.

27. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant and such sums as a jury would find fair, just and adequate.

28. By reason of the foregoing, plaintiff is entitled to punitive damages from the defendant and such sum as a jury would find fair, just and adequate.

29. The amount of damages sought exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

30. This action falls within exceptions to Article 16 of the CPLR.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANT WILLIAM BURTON F/K/A FATHER WILLIAM BURTON:**

31. Plaintiff repeats, reiterates, and realleges each and every allegation contained in those paragraphs of the complaint marked and designated "1" through "30" inclusive, with the same force and effect as if hereinafter set forth at length.

32. Upon information and belief on multiple occasions in or about Onondaga County defendant Burton intentionally had sexual contact, including forcible sodomy, committed lewd and lascivious acts and other sexually offenses against plaintiff J. B. f/k/a J. S. while plaintiff J. B. f/k/a J. S. was a minor under the age of 17, in violation of the New York Penal Law and those acts caused plaintiff J. B. to suffer physical, psychological and other injuries as a result of defendant Burton's conduct.

33. As a result of the foregoing, plaintiff J. B. sustained serious injury, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses.

34. By reason of the foregoing plaintiff is entitled to compensatory damages from defendant Burton in such sums as a jury would find fair, just and adequate.

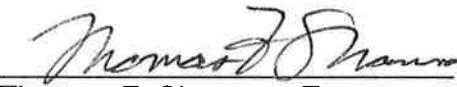
35. By reason of the foregoing, plaintiff J. B. is entitled to punitive damages from defendant Burton in such sums as a jury would find fair, just and adequate.

36. The amount of damages sought exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against the defendants as follows:

- a. Compensatory damages;
- b. General damages, including but not limited to pain and suffering;
- c. Special damages according to proof;
- d. Punitive damages; and,
- e. Such other and further relief as the Court deems just and proper.

Dated: November 25, 2019
Syracuse, New York


Thomas F. Shannon, Esq.
Lynn Law Firm, LLP
Attorneys for Plaintiff
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101 South Salina Street
Syracuse, NY 13202
Telephone: (315) 474-1267

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ONONDAGA)

J. B. f/k/a J.S., being duly sworn, says that she is the plaintiff in the above-named proceeding and that the foregoing Summons and Verified Complaint is true to the best of her knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters, she believes them to be true.

J.B f/k/a J.S.
J. B. f/k/a J. S.

Sworn to before me this
20 day of November, 2019

Thomas F. Shannon
Notary Public

THOMAS F. SHANNON
Notary Public, State of New York
Qualified in Onen. Co. No. 4308403
My Commission Expires March 30, 19

9/30/22